

its cars with vestibules of such pattern and style, and during such period of the year, as may be prescribed by ordinance.

The City shall also have the right and power by ordinance duly passed, to require any street railway company operating its cars or lines within the limits of the City of Houston to equip its cars with fenders of such style, design or pattern as may be prescribed by the City Council, and to run closed cars in the months of December, January and February of each year. (Act of 1905)

ARTICLE IVa. STREET IMPROVEMENTS Repealed.*

ARTICLE IVb. STREET IMPROVEMENTS—INCORPORATION OF STATE LAW†

Section 1. Adoption of certain state law.

The terms, powers and provisions of the Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, relating to street improvements and assessments therefor, and being Chapter 106 of the General and Special Laws of said Session, are hereby adopted, embraced in and made a part of the Charter of the City of Houston, and such powers, terms and provisions shall exist, be in force, and may be exercised by the governing body of the City of Houston as alternative to and independent of other powers, terms and provisions of the charter of the City of Houston, with amendments thereto,

***Note**—This article, which related to the assessment of abutting property owners for street improvements, was repealed by the voters at the November 2, 1999, Charter Election. The repealer included the following savings clause:

This repealer shall not be construed to affect the validity of any action taken or right or obligation created or assumed under the said provisions prior to their repeal, and the said provisions are saved from repeal for the limited purpose of the continued enforcement of rights and obligations that arose thereunder prior to their repeal.

†Note—The title of this article was added by the editor; it was not titled in the Ordinance calling the 1933 Charter Election.

and which in anywise relate to the same subject matter. (Added by amendment January 28, 1933)

Note—The title of this section was added by the editor; it was not titled in the Ordinance calling the 1933 Charter Election.

Section 2. Intention of Article.

It is the intention hereof to write into and make a part of the charter of the City of Houston the terms, powers and provisions of said Act, as fully as if same were set forth herein in full, and the governing body of the City of Houston may proceed either under the terms, powers and provisions of the heretofore existing charter, with amendments, of the City, or under the terms, powers and provisions of said Act. (Added by amendment January 28, 1933)

Note—The title of this section was added by the editor; it was not titled in the Ordinance calling the 1933 Charter Election.

ARTICLE V. OFFICERS AND ELECTIONS‡

Sec. 1. Governing Body.

The governing body of the City of Houston, Texas, shall be the City Council. The City Council shall be composed of the Mayor and the number of Council Members hereinafter prescribed. (Added by amendment August 15, 1942; amended May 29, 1951, August 11, 1979)

Sec. 2. Council Members.

For terms of office for Council Members commencing in 1980, and continuing until such time as the number of Council Members is increased as provided below, there shall be fourteen Council Members designated as follows:

District Council Members

Council Member, District A

Council Member, District B

Council Member, District C

‡Note—The history of individual sections of this article is difficult to accurately state by section number because it has been substantially rewritten on several occasions. Many of these revisions retained language from prior iterations, but transferred the language from one section to another.

Council Member, District D
 Council Member, District E
 Council Member, District F
 Council Member, District G
 Council Member, District H
 Council Member, District I

At-Large Council Members

Council Member, At-Large Position 1
 Council Member, At-Large Position 2
 Council Member, At-Large Position 3
 Council Member, At-Large Position 4
 Council Member, At-Large Position 5

If, upon any determination of the population of the City pursuant to this Charter, such population is determined to be 2,100,000 persons or more, then the number of Council Members for the regular terms next commencing and continuing thereafter shall increase from fourteen to sixteen. The two additional members shall be District Council Members designated as follows:

Council Member, District J
 Council Member, District K

The number of Council Members shall not be decreased, notwithstanding any decrease in population.

All references in this Charter to "Councilmen," "Commissioners" or "Aldermen" shall be construed to be references to "Council Members," and all references in this Charter to a "Councilman" shall be construed to be references to a "Council Member." The "members" of the City Council shall include the Mayor and all Council Members, each of whom shall be a "member" thereof. (Added by amendment August 11, 1979)

Sec. 3. Establishment of District Boundaries; Determinations of Population.

It shall be the duty of the City Council to establish the boundaries of districts covering the entire City for the purpose of electing District Council Members. Such boundaries shall be established by ordinance, which shall be final for

purposes of this Charter. The first such establishment shall be made as soon as practicable prior to the first City General Election following adoption of this section. Any subsequent establishment shall be made when required by this Charter.

Promptly following the addition of territory to the City by a boundary change, the City Council shall, by ordinance, add such territory to an adjacent district or districts.

In each year during which a City General Election is to be held, the City Council shall conduct an investigation and determine the population of the City and the population of each of the districts from which District Council Members are to be elected. Each such determination shall be based upon the best available data, including, but not limited to, the most recent federal census. Each such determination shall be expressed in a ordinance, which shall be a final determination for purposes of this Charter.

After any such determination, if the distribution of population among the various districts is determined by the City Council to be materially unbalanced, or if the number of Council Members increases from fourteen to sixteen, then the City Council shall establish new boundaries for the election of District Council Members. (Added by amendment August 11, 1979)

Section 4. Qualifications for Elected Officers.

To serve as Mayor, City Controller or Council Member, a person must be a qualified voter and resident of the City; additionally, a District Council Member must reside in the City Council District from which the member was elected at all times during the member's term of office. To file for office as Mayor, City Controller or At-Large Council Member, a person must be a qualified voter of the City who has resided in the City for 12 months immediately preceding the election day. To file for office as a District Council Member, a person must be a qualified voter of the City who has resided in the territory encompassed by the City Council District to be served for 12 months immediately preceding the election day. As provided by applicable state law, residence in areas annexed into the City shall be considered as

residence in the City for purposes of this section. The City Council shall be the judge of the election and qualifications of Council Members, subject to review by the courts in case of contest. (Added by amendment August 11, 1979, November 2, 1999)

Sec. 5. Elections.

A City General Election shall be held on the first Tuesday after the first Monday in November of every odd-numbered year or such other day as may be prescribed by the general laws of the State of Texas. At each City General Election, the Mayor, the Council Members and the City Controller shall be elected for the terms of office next commencing. Such officers shall assume their offices on the second day of January next thereafter, shall perform the duties and discharge the obligations conferred and imposed by the provisions of this Charter, and shall hold their offices for two years and until their successors are elected and qualified, unless removed therefrom by impeachment or recall or otherwise as prescribed in this Charter.

The Mayor, the City Controller and the At-Large Council Members shall be elected by the qualified voters of the entire City. Each District Council Member shall be elected by the qualified voters of each respective district. The Mayor, the City Controller and the Council Members shall constitute all of the elected officers of the City, and all other officers shall be appointed in the manner prescribed by this Charter. (Added by amendment August 11, 1979)

Section 6. Candidates and Filing for Office.

All candidates shall file for office as herein after provided.

Any person duly qualified therefor may file as a candidate for any office herein referred to without other formality than filing his sworn application with the Mayor at least thirty (30) days prior to the election day and by paying the filing fee hereinafter provided. His application shall designate the office for which he desires to be a candidate, shall state the place of his residence in the City of Houston, and shall state the number of consecutive years next immediately before the date of his filing that he has resided in the City of

Houston, and in those instances in which the ownership of real estate in the City of Houston for a certain period of years is a qualification to the office which he seeks, he shall state the fact that he has been a bona fide owner of real estate in the City for the required period of time. Such application shall be signed and sworn to by the person desiring to become a candidate. Such application shall not be considered filed unless it is physically filed in the Mayor's office before midnight of the last day for filing; and his office shall remain open until midnight that day to permit the same.

Such application shall be accompanied by a filing fee which is hereby fixed and established in the following amounts, to-wit: Each candidate for Mayor shall pay a filing fee of \$1,250.00. Each candidate for City Controller shall pay a filing fee of \$750.00, and each candidate for Councilman shall pay a filing fee of \$500.00. Such payment shall be in cash or by cashier's or certified check to the order of the City of Houston; and the Mayor will not accept the application of any candidate which is not accompanied by the required filing fee. Such filing fees shall be for the use and benefit of the City of Houston and no part thereof shall ever be returned to any candidate.

As soon as practicable after the time for filing has elapsed, the order in which the names of the various candidates shall be printed and appear on the official ballot shall be determined by a drawing for positions at which all candidates or persons representing them may be present and which shall be conducted by or under the direction of the City Secretary in such manner as is designed to assure that nothing except chance shall determine the order in which the candidates' names for each position appear on the official ballot. (Added by amendment May 29, 1951)

Section 6a. Limitation of terms.

No person, who has already served two full terms, shall be eligible to file for that same office. (Added by amendment November 5, 1991)

Section 7. Provisions for City General Election.

In all matters not covered by this Charter or by the general law of the State of Texas, the City

Council shall by ordinance make provisions relating to the holding of the City General Election and all matters relating thereto. (Added by amendment May 29, 1951)

Section 8. Run-off election, ticket declaration.

(a) The successful candidate for any office must receive a majority of the votes cast in the election for his office and if no candidate for a particular office receives a majority, a run-off election must be held as provided by the Texas Election Code, Acts 1951, 52nd Legislature, page 1097, Chapter 492, Article 81.

(b) Any group of candidates for Mayor and Council Members who have duly filed for office as provided in Section 6 hereof, comprising not more than one candidate for each of the offices, may file a declaration in writing with the City Secretary stating that they have associated themselves as a ticket for the purpose of presenting to the electors their qualifications for office and their political aims, which declaration may be filed at any time after all have filed for office but not later than five o'clock P.M. (local time) of the second day next following the last day for filing for office. They shall state in the said declaration the name of their ticket which shall not exceed four words in length and which ticket name shall not use all or any part of the name of any political party which nominated candidates for State office in the State General Election last preceding, or any part of the name of any ticket previously declared by another group of candidates. No candidate shall join in the ticket declaration of more than one ticket, and after a ticket declaration is filed, no candidate's name may be withdrawn from the ticket unless the candidate withdraws his application to be candidate at the election. The City Secretary shall cause the official ballot to be printed with the names of all candidates associated in a ticket declaration shown under a column headed by the ticket name.

If a ticket declaration is attempted to be filed which uses all or any part of the name of any political party which nominated candidates for State office in the State General Election next preceding, or which uses all or any part of the

ticket name of any ticket which has a declaration previously filed, the City Secretary shall reject the defective declaration as void.

The applicable provisions of the general laws of the state shall govern and control any nomination of candidates by any political party or parties. The provisions of this section are provisions for the voluntary association of candidates upon tickets to present to the electors their qualifications for office and their political aims, and these provisions are not intended to and do not affect the nomination of candidates for office by political parties as prescribed and regulated by the state general law. (Added by amendment August 16, 1955; amended August 11, 1979)

Note—The title of this section was added by the editor; it was not titled in the Ordinances calling the 1955 Charter Election or the 1979 Charter Election.

Section 9. Appointive Officers.

Compensation of all officers, except where provided in the Charter, shall be fixed by the City Council which may increase or diminish the same at will, or abolish entirely at any time any office established by the Council and not created expressly by the Charter. No officer whose office is created by ordinance shall hold the same for any fixed term, but shall always be subject to removal by the proper authority of the City as provided in the Charter. (Added by amendment May 29, 1951)

Section 10. Number of Signatures on Recall, Initiative and Referendum Petitions.

The number of signatures required for the petitions provided for in Articles VIIa and VIIb of this Charter shall be calculated upon the greatest total vote cast for Mayor at any City Primary or City General Election held within the three years next preceding the date of the filing of such petition. (Added by amendment May 29, 1951)

Section. 11. Action of Council Creating Liability after City General Elections Prohibited [sic].

(a) From and after any City General Election for the election of Mayor and Councilmen and until those elected at such election shall have

qualified, if a majority of the City Council be not re-elected, it shall be unlawful for the then existing City Council to pass any ordinance, resolution or motion whereby any appropriation of money is made, or any obligation or contract on the part of the City is sought to be created; or any franchise or privilege is granted, or attempted to be conferred; and any such ordinance, resolution or motion, or any action of the City Council in the creation of any obligation, or the grant, or attempted grant, of any franchise by such Council shall be illegal, unauthorized and void, and of no effect; provided, nothing herein shall prevent the City Council from making any such appropriation and obligation on the part of the City, or granting any such franchise, if a majority of said Council is reelected; and, provided further, that nothing herein shall prevent the City Council of the City of Houston from making the necessary financial arrangements for paying the current salaries of the City officials and current expenses of the City Government; provided, that the prohibitions hereof shall be suspended in case of a public calamity.

(b) Section 9a of Article VII of the existing Charter of the City of Houston is hereby repealed. (Added by amendment May 29, 1951)

Section 12. Saving Clause.

If any section, sub-section, clause, sentence or phrase of this article is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remainder of this article.

This amendment shall become effective upon the entry upon the records of the City of an official order by the City Council declaring the same adopted. (Added by amendment May 29, 1951)

Sec. 13. Continuation in effect of provisions of Charter.

The duties and powers of the Mayor as presently prescribed, set out and defined in existing Article VI of the Charter and in other provisions of the existing Charter shall be and remain in full force and effect, unaltered and unchanged.

The duties, power and compensation of the Councilmen as presently prescribed, set out and

defined in existing Article VI and in existing Article VII and in other provisions of the Charter shall be and remain in full force and effect, unaltered and unchanged; and the said Councilmen shall continue to exercise legislative authority only as now prescribed, and the Mayor shall continue as a member and presiding officer of the Council as now prescribed.

The present provisions of the Charter relating to any City department, office, commission or board; the present provisions for elections; the present provisions for Council procedures and rules; the present provisions for initiative, referendum and recall; and any and all present provisions relating to elective officers and appointive officers, their powers and duties, and restrictions on their powers and duties shall all remain as they presently read without any amendment or addition of any sort, unless amended or repealed by this very amendment. (Added by amendment August 16, 1955)

Note—The title of this section was added by the editor; it was not titled in the Ordinance calling the 1955 Charter Election.

Sec. 14. Purpose and effect of Article.

This Article V, as presently amended, is proposed and designed to accomplish an overall plan for the improvement of the government of the City of Houston. To this end, this amendment changes methods of election of members of the Council; permits groups of candidates to associate themselves under ticket designations; confirms the respective present powers and duties of the Mayor and City Councilmen as presently prescribed; and provides that all present provisions of the Charter, relating to elective officers and appointive officers, their powers and duties, the method of their election or appointment, the Council procedure and rules, and the provisions for initiative, referendum and recall shall remain as they presently read without any amendment or addition of any sort unless amended or repealed by this very amendment.

Any provision of any amendment submitted to election at the same election at which this amendment is adopted, in conflict with the terms of this amendment, shall be subject to the terms of Section 19, Article IX of the existing Charter; and

this provision shall be liberally construed to the end that no changes in the Charter shall be adopted not encompassed within the plan of this amendment. (Added by amendment August 16, 1955)

Note—The title of this section was added by the editor; it was not titled in the Ordinance calling the 1955 Charter Election.

ARTICLE V-a. CIVIL SERVICE.

Sec. 1. Creation of Commission.

There is hereby established a Civil Service Commission, which shall consist of three persons of good moral character, resident citizens of the city who shall have resided therein for a period of more than three years, shall each be over the age of twenty-five years, and shall not have held any public office within the three years preceding his appointment. The term of office of each member of such commission shall be for three years, or until a successor is appointed, confirmed and qualified. The terms of office shall be so staggered that one of the terms expires on the same date in each year. Members of such commission shall be appointed by the Mayor and confirmed by the City Council, and they shall serve without compensation. Any vacancies in such commission caused by death, resignation or otherwise, or by failure of any appointee to qualify within ten days after appointment, shall be filled in the manner above specified for the unexpired term of the retiring member or of the appointee failing to qualify. (Added by amendment October 15, 1913; amended January 27, 1968)

Sec. 2. Rules and powers of commission.

The civil service commission, with the approval of the city council, shall make such rules and regulations for the proper conduct of its business as it shall find necessary and expedient; but all rules made by the commission may be changed or amended by the city council; provided, that no rules or regulations shall ever be adopted which will permit the appointment or employment of persons without good character or unfit and incompetent to discharge the duties thereof or prevent the removal or discharge of any appointee or

employee for want of fitness, moral character, or competency, or the failure or refusal to properly discharge the duties of his appointment or employment.

The civil service commission among other things, shall provide for the classification of all employees eligible to civil service hereunder upon the successful completion of their probationary period as applicable. All employees are eligible to classification under the civil service system created by this article unless an employee is placed by operation of the general laws of the state in a different civil service system or unless an employee is excepted from eligibility to the civil service system by or pursuant to the provisions of this section.

The following described categories of employees are excepted from eligibility to civil service classification:

- (a) Appointive officials, that is, those employees and officials who are required or authorized to be appointed by the mayor and whose appointment is subject to the confirmation of city council including, but not limited to, all of the department heads of the various city departments;
- (b) Assistant city attorneys and all professional non-clerical staff of the legal department;
- (c) Part-time employees, that is, those employees who work less than the regular work week prescribed for city employees;
- (d) Temporary employees, that is, those employees who are retained for seasonal work, work of fixed duration or other work which does not have a reasonable expectancy to continue indefinitely;
- (e) Emergency employees, that is, those employees who are hired on an extraordinary basis for the duration of and as a result of an emergency situation which may result in loss of public property or serious inconvenience to the public; and
- (f) Executive level employees, that is, those employees whose duties require them to determine and publicly advocate substan-

tive program policy, to provide legal counsel, or to maintain a direct, confidential relationship with an appointive official of the City, as that term is used in this section or with an elected officer of the City. No position may be designated as an executive level employee position for purposes of this section except by ordinance adopted by city council. The total number of positions of employment designated as executive level employee positions for purposes of this section may not at any time exceed a number equal to two percent of the total number of all the employees of the City, whether eligible to civil service classification under this article or not.

The civil service commission shall also make provision for open, competitive and free examination as to the fitness in regard to classified services, for an eligibility list from which vacancies shall be filled, for a probationary period of not less than 12 months which appointees shall serve before they receive classified status and for promotion on the basis of merit, experience and record with probationary service of promoted employees prior to permanent classification in their new positions.

The city council may by ordinance confer upon the commission such further and additional rights and duties as may be deemed necessary to enforce and carry out the principles of this article.

Neither the adoption of this section as amended, nor any ordinance adopted by city council from time to time hereunder, which may designate any position formerly subject to civil service classification as not thereafter being eligible thereto shall be construed to divest any incumbent thereof of any vested right.

Laborers who may on the effective date of this amendment be employed by the City shall be eligible to receive classified status upon service of the probationary period for appointees; such probationary period for laborers shall commence on the effective date of this amendment. (Added by amendment October 15, 1913; amended August 14, 1982)

Sec. 3. Removal of employees.

Any employee may be suspended by the head of the department under which he is employed, and thereupon his salary shall cease. The officer making the order of suspension shall forthwith file with the civil service commission a statement of the suspension and his reasons therefor. Within ten days after such suspension the employee so suspended may, if he desires, file an appeal with the civil service commission which shall hold a hearing and render a decision in writing within thirty days after it receives the appeal as to whether the employee shall be permanently dismissed from the service of the city, or reinstated in his employment. All such hearings shall be public; the decision of the commission shall be final. In order for an employee to file an appeal as hereinbefore provided it shall only be necessary for him to file a written statement showing in what department he was employed, when and for what he was suspended and a statement by him denying the truth of the matters charged in the statement of the officer so suspending him, and that he desires an appeal from the decision of said officer suspending him, which statement of appeal shall be signed and sworn to by the employee so suspended. In all hearings on appeal from the order of suspension to the civil service commission, the judgment of the officer suspending the employee shall be presumed to be correct; the burden of disproving the charges made against the employee that resulted in his removal shall be upon the employee. (Added by amendment October 15, 1913; amended August 14, 1982)

Sec. 4. Commission rules and regulations.

The civil service commission, with the approval of the city council, shall have power at all times to make proper rules and regulations for the government of the employees under civil service, and when any such rules and regulations have been made it shall cause such rules to be published in such manner as the city council may, from time to time, direct; provided, that no rules and regulations shall ever be adopted which will permit the appointment or employment of any person without good character, or unfit and incompetent, or to prevent the removal or discharge of any appointee or employee for want of fitness, moral character

or the failure or refusal to properly discharge the duties of his appointment or employment. Without limitation, the rules and regulations of the civil service commission shall include such provisions as may be necessary to prohibit discrimination in employment, appointment or promotion because of sex, race, color, creed or national origin. (Added by amendment October 15, 1913; amended December 28, 1915, August 14, 1982)

Section 5. Continuation in effect of other rules and regulations.

That as to all employees, officers and appointees not under civil service the provisions of the present Charter shall remain in full force as to such appointment, removal salary, services and duties, unless amended at this or some other subsequent election. (Added by amendment October 15, 1913)

Note—The title of this section was added by the editor; it was not titled in the Ordinance calling the 1913 Charter Election.

ARTICLE VI. THE MAYOR

Section 1. Office Created.

There is hereby established the office of Mayor of the City of Houston. (Added by amendment August 15, 1942, November 2, 1999)

Section 2. Mayor Pro Tem.

At the first regular meeting of the City Council after the induction of the newly elected Mayor and Councilmen in office, the Mayor shall nominate, subject to confirmation by the City Council, one of the Councilmen who shall be known and designated as "Mayor Pro Tem," and shall continue to hold the title and the office until the expiration of the term of office for which he was elected as councilman, but shall receive no extra pay by reason of being or acting Mayor Pro Tem. (Added by amendment August 15, 1942)

Section 3. Disability of the Mayor.

If for any reason the Mayor is absent from the City, sick or unable to perform the duties of his office, the Mayor Pro Tem shall act as Mayor, and

during such absence or disability shall possess all of the powers and perform all of the duties of the Mayor. (Added by amendment August 15, 1942)

Section 4. Vacancy.

In case of the death, resignation or permanent disability of the Mayor, or whenever a vacancy in the office of Mayor shall occur for any reason, the Mayor Pro Tem shall act as Mayor, and shall possess all of the rights and powers of the Mayor and perform all of his duties, under the official title, however, of "Mayor Pro Tem" until an election is ordered by the City Council to fill the vacancy in the office of Mayor, shall be called by the City Council and held within thirty days after the vacancy occurred and notice by publication given for at least twenty days, as may be required by law. (Added by amendment August 15, 1942)

Section 5. Removal of the Mayor.

In case of misconduct, inability or wilful neglect in the performance of the duties of his office, the Mayor may be removed from office by the City Council by vote of two-thirds of all the Councilmen elected, but shall be given an opportunity to be heard in his defense, and shall have the right to have process issued to compel the attendance of witnesses, who shall be required to give testimony, if he so elects. The hearing, in case of impeachment of the Mayor, shall be public and a full and complete statement of the reasons for such removal, if he be removed, together with the findings of facts as made by the Council, shall be filed by the City Council in the public archives of the city, and shall become and be a matter of public record.

Pending the charge of impeachment against the Mayor, the City Council may suspend him from office for a period of not exceeding thirty days by a vote of two-thirds of the Councilmen elected, and if upon final hearing the conclusions and findings of the City Council are that the Mayor be impeached and removed from office, such findings shall be final. (Added by amendment August 15, 1942)